

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

ACTUS, LLC,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	Civil Action No: 2:09-cv-102
	§	
BANK OF AMERICA CORP.;	§	
BLAZE MOBILE, INC.;	§	Jury
CAPITAL ONE FINANCIAL CORP.;	§	
ENABLE HOLDINGS, INC.;	§	
GOOGLE, INC.;	§	
GREEN DOT CORP.;	§	
JAVIEN DIGITAL PAYMENT	§	
SOLUTIONS, INC.;	§	
JPMORGAN CHASE & CO.;	§	
MASTERCARD INTERNATIONAL, INC.;	§	
META FINANCIAL GROUP, INC.;	§	
M&T BANK CORP.;	§	
OBOPAY, INC.;	§	
SONIC SOLUTIONS;	§	
VISA, INC.;	§	
VIVENDI UNIVERSAL U.S. HOLDING	§	
CO.;	§	
VIVENDI UNIVERSAL, SA;	§	
WAL-MART STORES, INC.;	§	
THE WALT DISNEY CO.;	§	
THE WESTERN UNION CO.;	§	
WILDTANGENT, INC.;	§	
AGILECO,	§	
Defendants.	§	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO REPLY**

COMES NOW Defendant MasterCard International, Inc. (“MasterCard”) and files this Unopposed Motion for Extension of Time to Reply to Plaintiff’s Response to Defendants Bank of America Corporation (“Bank of America”), Capital One Financial Corporation (“Capital One”), Enable Holdings, Inc. (“Enable Holdings”), Green Dot Corp. (“Green Dot”), JPMorgan Chase & Co. (“JPMorgan”), MasterCard International Incorporated (“MasterCard”), Meta Financial Group, Inc.

("Meta"), M&T Bank Corp. ("M&T"), and Visa Inc. ("Visa") (collectively, the "Moving Defendants") Motion to Dismiss:

Defendants filed their motion to dismiss on September 8, 2009. (Dkt. 188) Pursuant to the Court's September 24, 2009 Order (Dkt. 202) Actus, LLC responded to the Moving Defendants Motion to Dismiss on October 14, 2009 (Dkt. 207). MasterCard respectfully requests additional time for the Moving Defendants to file their reply up to and including November 18, 2009. This extension is not for purposes of delay but to allow adequate time to respond. Counsel for MasterCard conferred with counsel for Actus and they do not oppose the relief requested herein.

DATED: November 2, 2009

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw

State Bar No. 03783900

Elizabeth L. DeRieux

State Bar No. 05770585

D. Jeffrey Rambin

State Bar No. 00791478

CAPSHAW DeRIEUX, LLP

1127 Judson Road, Suite 220

P.O. Box 3999 (75606-3999)

Longview, Texas 75601

Telephone: (903) 236-9800

Facsimile: (903) 236-8787

Email: [ccapshaw@capshawlaw.com](mailto:ccapshaw@capshawlaw.com)

Email: [ederieux@capshawlaw.com](mailto:ederieux@capshawlaw.com)

Email: [jrambin@capshawlaw.com](mailto:jrambin@capshawlaw.com)

Robert C. Scheinfeld

Eliot D. Williams

Eric J. Faragi

BAKER BOTTS L.L.P.

30 Rockefeller Plaza, 44th Floor

New York, New York 10112-4498

Telephone: (212) 408-2500

Facsimile: (212) 408-2501

Email: [robert.scheinfeld@bakerbotts.com](mailto:robert.scheinfeld@bakerbotts.com)

Email: [eliot.williams@bakerbotts.com](mailto:eliot.williams@bakerbotts.com)

Email: eric.faragi@bakerbotts.com

Attorneys for Defendant  
MasterCard International, Inc.

**CERTIFICATE OF CONFERENCE**

I certify that I have complied with the meet and confer requirement in Local Rule Cv-7(H) and this motion is unopposed.

/s/ Elizabeth L. DeRieux  
Elizabeth L. DeRieux

**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 2<sup>nd</sup> day of November, 2009, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux